

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

NETLIST, INC.,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD.,  
SAMSUNG ELECTRONICS AMERICA, INC.  
and SAMSUNG SEMICONDUCTOR, INC.,

Defendants.

Civil Case No. 2:21cv463-JRG

**JURY TRIAL DEMANDED**

**SAMSUNG DEFENDANTS' PROPOSED  
JURY INSTRUCTION REGARDING THE JDLA**

Pursuant to the Court's instruction at the Pretrial Conference held on March 28-29, 2023, Defendants Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung Semiconductor, Inc. hereby submit their proposed language for inclusion in the preliminary jury instructions to provide context for the JDLA.

We believe that this language closely tracks the judgment of the Central District of California (attached as Exhibit 1) and strikes a fair balance as we inform the jury about the license and its termination. On that point, as reflected in the Court's comments at the pretrial conference, Samsung agrees that the issues surrounding the product supply aspects of the agreement and related "who shot John" breach issues should be excluded in all respects at trial. With respect to any of the JDLA issues, we believe the parties should be limited at trial to the four corners of the proposed text.

Prior to this case, the parties had entered into an agreement, called the Joint Development and License Agreement ("JDLA"). Under the JDLA, [REDACTED] A dispute arose, and on February 15, 2022, a court in California entered judgment that Netlist

terminated the JDLA effective on July 15, 2020 and this ended [REDACTED]  
[REDACTED], also effective on July 15, 2020. Netlist sought damages in connection with that dispute under the terms of the JDLA and the court entered a damages judgment of \$2. Both parties are appealing various aspects of the California court's final judgment in that case.

Date: March 30, 2023

Respectfully submitted,

/s/ Ruffin B. Cordell

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[REDACTED]

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was filed electronically in compliance with Local Rule CV-5 on March 30, 2023. As of this date, all counsel of record have consented to electronic service and are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5(a)(3)(A) and by electronic mail.

/s/ Ruffin B. Cordell

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]